(137)

HIGH COURT OF JUDICATURE CHHATTISGARH : BILASPUR

SINGLE BENCH : HON'BLE SHRI S.R. NAYAK, CJ.

WRIT PETITION No.5954 OF 2005

PETITIONERS

1. Smt. Kejabai W/o Shri Muku Sahu, Aged about 80 years;
2. Baratia S/o Muku Sahu; Aged about 60 years;
3. Sukhchand S/o Muku Sahu; Aged about 55 years;
4. Roopchand S/o Muku Sahu; Aged about 53 years;
5. Motiram S/o Chaitram; Aged about 55 years;
6. Ashwini S/o Chaitram; Aged about 45 years;

All residents of Village Sondongri, PO Tendua, District Raipur (CG)

Versus

RESPONDENTS

1. State of Chhattisgarh Through THE Secretary Revenue Department, DKS Bhawan Raipur, Raipur (C.G.)
2. The Collector, Raipur District Raipur (C.G.)
3. Chhattisgarh Housing Board having its Office at Shankar Nagar, Raipur (CG)
4. The Executive Engineer, Chhattisgarh Housing Board, Shanker Nagar, Raipur (C.G.)

Present : Shri Anoop Majumdar, learned counsel for the petitioners.
Shri Yashwant Singh, learned G.A. for the State/ respondents 1 & 2.
Shri Sanjay Patel, learned counsel for respondents 3 & 4.

ORAL ORDER
(Passed on 5th July, 2006)

This writ petition is totally misconceived and not maintainable. To put the case of the petitioners, in brief, is that initially proceedings were initiated under the Urban Land Ceiling Act to determine the excess land held by the petitioners, but, those proceedings did not culminate in any order under the said Act. In other words, subject land did not vest in the State Government under the Urban Land Ceiling Act. When the matter

stood thus, the State, in exercise of its eminent domain power, acquired the subject land for a public purpose under the provisions of the Land Acquisition Act, 1894 (for short "the Act"). It appears that the petitioners are not satisfied with the quantum of compensation awarded by the Land Acquisition Officer. If that is the grievance of the petitioners, they ought to have worked out the legal remedies provided in several tiers under the Act. Initially, they should have sought reference of their claims to the Civil Court for higher rate of compensation and pursued further remedies by way of appeals to this Court and the Supreme Court, and without resorting to such permissible legal remedies made available to the petitioners under the Act, quite curiously, this writ petition is filed "for a direction to the respondents to continue the petitioners to be in possession of the land and also to pay adequate compensation to them and to permit them to cultivate the land". Indeed, the prayers are quite startling, in deed! If the acquisition of the land itself is bad on any permissible ground, the petitioners ought to have sought for quashing of the land acquisition proceedings, that is to say, notification issued under Section 4(1) and declaration made under Section 6 of the Act. The petitioners have not sought any such relief in this writ petition. The writ petition is, therefore, dismissed. No costs

Sd/-
Chief Justice